

State of South Dakota

EIGHTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2013

400U0320

HOUSE STATE AFFAIRS ENGROSSED NO. **HB 1012** - 01/11/2013

Introduced by: The Committee on State Affairs at the request of the Board of Regents

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the students eligible
2 for resident tuition benefits at universities controlled by the Board of Regents.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 13-53-6.3 be amended to read as follows:

5 13-53-6.3. Notwithstanding any other provision of law, any person who graduates from a
6 South Dakota high school qualifies for resident tuition rates at the institutions controlled by the
7 Board of Regents if:

8 ~~—(1)—~~ The ~~the~~ person was a South Dakota resident at the time of high school graduation and
9 lived with a parent or legal guardian who was also a South Dakota resident;

10 ~~—(2)—~~ ~~A parent or legal guardian of the individual resided continuously in South Dakota~~
11 ~~through the time of first attendance as provided in subdivision (3); and~~

12 ~~—(3)—~~ ~~The person begins to attend classes no later than the fall semester of the seventh year~~
13 ~~after the date of high school graduation.~~

14 Section 2. That § 13-53-27 be amended to read as follows:

15 13-53-27. The residence of an unemancipated person under ~~twenty-one~~ twenty-four years



1 of age follows that of the parents or of a legal guardian who has actual custody of the person or
2 administers the property of the person. In the case of divorce or separation, if either parent meets
3 the residence requirements, the person shall be considered a resident.

4 Section 3. That § 13-53-34 be amended to read as follows:

5 13-53-34. The following factors ~~shall be considered~~ are relevant in evaluating a requested
6 change in a student's nonresident status and in evaluating whether the person's physical presence
7 in South Dakota is for the predominant purpose of attending a college, university, or other
8 institution of higher education:

- 9 (1) The residence of a student's parents or guardians;
- 10 (2) The situs of the source of the student's income;
- 11 (3) To whom a student pays taxes, including property taxes;
- 12 (4) The state in which a student's automobile is registered;
- 13 (5) The state issuing the student's driver's license;
- 14 (6) Where the student is registered to vote;
- 15 (7) ~~The marriage of the student to a resident of South Dakota;~~
- 16 (8) Ownership of property in South Dakota and outside of South Dakota;
- 17 (9) The residence claimed by the student on loan application, federal income tax returns,
18 and other documents;
- 19 (10) Admission to a licensed profession in South Dakota;
- 20 (11) Membership in civic, community, and other organizations in South Dakota or
21 elsewhere; and
- 22 (12) The facts and documents pertaining to the person's past and existing status as a
23 student.

24 The existence of one or more of these factors does not require a finding of resident student

1 status, nor does the nonexistence of one or more require a finding of nonresident student status.
2 All factors shall be considered in combination and resident student status may not result from
3 the doing of acts which are required or routinely done by sojourners in the state or which are
4 merely auxiliary to the fulfillment of educational purposes.

5 Section 4. That chapter 13-53 be amended by adding thereto a NEW SECTION to read as
6 follows:

7 The Board of Regents shall reclassify any nonresident student to the status of resident
8 student upon timely proof of marriage of the student to a resident of South Dakota.